

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

JOHN MICHAEL RIVERA §
VS. § CIVIL ACTION NO. 1:04cv98
CLARENCE THOMAS, ET AL §

MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

John Michael Rivera, an inmate incarcerated within the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, brought this civil rights suit pursuant to 42 U.S.C. § 1983 against Clarence Thomas and Fred Moore. The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court.

The defendants have filed a motion for summary judgment. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning the motion. The magistrate judge recommends the motion be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. See FED. R. CIV.

P. 72(b). After careful consideration, the court concludes the objections are without merit.

O R D E R

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. The defendants' motion for summary judgment is **GRANTED**. A final judgment will be entered dismissing this lawsuit.

So **ORDERED** and **SIGNED** this **1** day of **March, 2006**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge